



Wild Life Protection Act: Implementation and Failure

Recently, Chennai has emerged as a hotbed of global illegal animal trade. This, along with several incidences of poaching and trafficking of wildlife, raises question on efficacy Of Wild Life Protection Act ,1972(WLPA).

The issues in WLPA: Implementational Lacuna

- WLPA revolves around the **Chief Wildlife Warden (CWLW)**, appointed under Section 4 of the WLPA. CWLW, are not full-filling their statutory duties comprehensively, as provided under the Act. Some of these instances are:
 - The power of CWLW (under sec 18-26) to carry out settlement in protected area has not started even after 46 year.
 - CWLW are empowered to take cognizance of destruction of wildlife , and regulate the inflow and outflow of water. But they are not acting on this front.
 - The Section-27 and 28 provide for regulation of entry, registration of arm licenses and inoculation of cattle to ward off diseases. There is also almost total inaction in this direction.
 - The **amendment act of 2002** provided for confiscation of property derived from illegal hunting and trade by a confiscation tribunal. But investigation officer, confiscation officer and confiscation tribunal has not been appointed or created.
- There is a conflict between legislative intent of WLPA and Forest Right Act 2006, as the resource poor farmers and tribal generally come in conflict with wildlife animals as well as forest guard.

Institutional Capacity

- Forest guard are not given proper training, about problem specific to forest like species diversity, study of animal behaviour, landscape planning to cope with porosity and fragmentation, understanding of Zone of Influence, and knowledge of Animal Classification
- Forest guard are not given weapons. In case of conflict with poachers, they retreat.
- With increased population burden, the wildlife area, particularly the corridors are shrinking.
- The Wildlife Departments don't have the space to house rescued animals till their release orders are issued by the court.

Lack of Coordination

- There is lack of integration between various agencies working for the protection of wildlife
 - Conviction rate is dismal 2% for crime related to wildlife.
 - Even with the increase in nefarious trade in wildlife, any control mechanism is not established at international border and transport facility.
 - Due to lack of specialization, police and customs officers are not able to recognize tiger bones, which are exported with a different label.
- Police and judges are not sensitized to animal welfare or are aware of the laws and the seriousness of the crime.
- Police authorities and wildlife officers **are found wanting, especially** when it comes to handling, identifying and rehabilitating the live animals seized

Legal Impairment

- Section 11(2) of the wild life act that is self-defence or killing animals in good faith is exploited. When forest dweller is caught with killing animals, they claim this provision to get away with it.
- Punishment for crime in wildlife crime disproportionately low.
- Many exotic species are not covered under the Wildlife Protection Act, 1972, or the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) that regulates all commercial trade.
 - In such cases, the courier is charged under the Customs Act and the Foreign Trade (Development and Regulation) Act for not having a no objection certificate (NOC) for their "goods". The courier is then let off after paying a penalty.

Assessment of WLPA

WLPA 1972 is one of the most robust acts on wildlife protection. The implantation created a condition in which wildlife thrived. Some of the facts related to quantitative aspects of wildlife are

Before WLPA

- Number of rhinoceros only 75 in 1905.
- Only 5 national park.
- In 1971, 1800 tigers were present in Indian subcontinent (in 1971 Delhi High court banned tiger hunting)

Way Forward

- Wildlife animal definition in the WLPA, 1972 should be made more broad-based and in convergence with international emergent situation.
- The success of WLPA, or for that matter, any law depends on the constituents in any such programmes. There are many success stories in which local communities participated and saved wildlife. For example
 - **Gujarat:** Maldharis , a nomadic tribe helped in conservation of Gir lions
 - **Nagaland:** Naga Tribe, because of the help of this tribe, Nagaland is known as amur falcon capital of the world
 - **Rajasthan:** Pastoral community of Thar Desert is conserving Great Indian Bustard
- Such models and participation needs to be replicated all over India.

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